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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,401	11/12/2003	Howard Alvin Lindsay	40983.0500	6851
7590	02/16/2005		EXAMINER	
Snell & Wilmer L.L.P. One Arizona Center 400 East Van Buren Phoenix, AZ 85004-2202			HUNTER, ALVIN A	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/712,401	LINDSAY, HOWARD ALVIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alvin A. Hunter	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 November 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 6/14/04

- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "said body frame structure" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 8, 9, 11, 12, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Desboilles et al. (USPN 5184823).

Regarding claim 1, Desboilles et al. discloses a body having a body frame structure defining an outer surface of the golf club head and encompassing a filler matrix in contact with an inner surface of the body frame structure, and a faceplate wherein the body frame structure having a faceplate aperture further comprising a perimeter substantially coincident with the faceplate and the faceplate aperture further

comprising a faceplate receiving ridge upon which the faceplate is retained on (See Figure 2).

Regarding claim 2, Desboilles et al. discloses a fastening mechanism for fastening the faceplate to the frame structure (See Column 6, lines 39 through 52).

Regarding claim 3, Desboilles et al. discloses the fastening mechanism being a weld. The cooling system being simply ambient air which cools the weld.

Regarding claim 5, Desboilles et al. discloses a tuning weight attached to an interior surface of the body combination.

Regarding claim 8, Desboilles et al. discloses a body having a body frame structure defining an outer surface of the golf club head and encompassing a filler matrix in contact with an inner surface of the body frame structure, and a faceplate wherein the body frame structure having a faceplate aperture further comprising a perimeter substantially contiguous with the faceplate and the faceplate aperture further comprising a faceplate receiving ridge upon which the faceplate is retained on (See Figure 2).

Regarding claim 9, Desboilles et al. discloses a fastening mechanism for fastening the faceplate to the frame structure (See Column 6, lines 39 through 52).

Regarding claim 11, Desboilles et al. discloses the fastening mechanism being a weld. The cooling system being simply ambient air, which cools the weld.

Regarding claim 12, Desboilles et al. discloses a tuning weight attached to an interior surface of the body combination.

Regarding claims 17-19, Desboilles et al. discloses a body having a body frame structure defining an outer surface of the golf club head and encompassing a filler matrix in contact with an inner surface of the body frame structure, and a faceplate wherein the body frame structure having a faceplate aperture further comprising a perimeter substantially coincident with the faceplate and the faceplate aperture further comprising a faceplate receiving ridge upon which the faceplate is retained on (See Figure 2). Desboilles et al. discloses the fastening mechanism being a weld. The cooling system being simply ambient air which cools the weld. It is submitted that air is the heat sink and the liquid bath because air is a substance used for cooling and because air is a fluid.

Regarding claim 20, Desboilles et al. discloses a tuning weight attached to an interior surface of the body combination.

Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (USPN 5720673).

Regarding claim 13, Anderson discloses a golf club head having a body frame with a faceplate aperture having a perimeter substantially contiguous with a faceplate and a faceplate receiving ridge upon which the faceplate is retained on the body frame structure and the faceplate removably attachable to the faceplate receiving ridge with a fastening mechanism (See Figure 1 and 7).

Regarding claim 14, Anderson discloses the fastening mechanism comprising screws threaded into the faceplate receiving ridge.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desboilles et al. (USPN 5720673) in view of Anderson (USPN 5720673).

Regarding claims 4 and 10, Desboilles et al. does not disclose the fastening means being removable and re-attachable fasteners. Anderson discloses removable and re-attachable fasten means for attaching the face plate to the body frame (See Background of the Invention). One having ordinary skill in the art would have found it obvious to attach the face plate to the body frame using screws, as taught by Anderson, in order to provide a handsome finish to the club head.

Claim 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (USPN 5720673) in view of Desboilles et al. (USPN 5720673).

Regarding claim 15, Anderson does not disclose a filler matrix. Desboilles et al. discloses a club head having a body frame structure and a filler matrix (See Column 9, lines 40 through 51). One having ordinary skill in the art would have found it obvious to incorporate a filler matrix to the body frame structure, as taught by Desboilles et al., in order to increase the durability of the club head.

Regarding claim 16, Anderson does not disclose having a tuning weight. Desboilles et al. discloses a club head having a tuning weight attached to the interior surface of the body (See Summary of the Invention). One having ordinary skill in the art

would have found it obvious to having a tuning weight, as taught by Desboilles et al. in order to adjust the center of gravity of the club head.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desboilles et al. (USPN 5184823) in view of McCabe et al. (USPN 6533679).

Regarding claims 6 and 7, Desboilles et al. does not disclose the weight being adjustable. McCabe et al. discloses a hollow club head having an adjustable weight member wherein the weight member is adjusted by the filler material surrounding it and supports (See Columns 5 and 6). One having ordinary skill in the art would have found it obvious to have the weight adjustable, as taught by McCabe et al., in order to optimize the center of gravity.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich, can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.  
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAH  
Alvin A. Hunter, Jr.



GREGORY V. DOVICH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700